IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.6010 OF 2005

1. Anita Anand Patil.
2. Ganesh Vasant Thakur.
3. Rajesh Vasant Thakur. ... Applicants.

Versus.

State of Maharashtra. ... Respondents.

Shri Rajeev Sawant for the Applicants.

Ms.Rajashree Gadvi, A.P.p. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 19th Sept., 2005.

P.C.:

1. Heard the learned Counsel for the Applicants and the learned A.P.P. for the State. The offence alleged against the Applicants and other co-accused is under sections 498A, 406 and 34 of the Indian Penal Code. The learned Advocate appearing for the Applicants submitted that except for general allegations made by the Complainant by belatedly filing the F.I.R., there is no material against the Applicants requiring custodial interrogation. The learned A.P.P. has stated that the investigation is in progress. The learned A.P.P. submitted that considering the gravity of allegations,

no case is made out for grant of anticipatory bail.

2. I have considered the submissions. A perusal of the papers relating to the investigation shows that so far as the present Applicants are concerned, at present

there is no material save and except the F.I.R. in which an allegation of general nature has been made against the Applicants. The learned A.P.P. fairly pointed out that the investigation is in progress and as the position stands today, except for the statement of the complainant, there is no other material collected by the prosecution.

3. In view of this position, this Application can be disposed of by directing that in case the Respondent-State proposes to arrest the Applicants in connection with the said offence, 72 hours clear notice will be given. According this application is disposed of by the following order:

(i) In the event of the Respondent-State desires to arrest the Applicant in connection with C.R.No.130 of 2005 registered at Versova Police Station, 72 hours prior notice will be given to the Applicants.

(ii) If such a notice is given, it is obvious that the Applicants will be entitled to file fresh application for anticipatory bail.

Judge.